

**§ 166.300**

record the document immediately following our approval.

**Subpart D—Land and Operations Management**

**§ 166.300 How is Indian agricultural land managed?**

Tribes, individual Indian landowners, and the BIA will manage Indian agricultural land either directly or through contracts, compacts, cooperative agreements, or grants under the Indian Self-Determination and Education Assistance Act (Public Law 93-638, as amended).

**§ 166.301 How is Indian land for grazing purposes described?**

Indian land for grazing purposes should be described by legal description (e.g., aliquot parts, metes and bounds) or other acceptable description. Where there are undivided interests owned in fee status, the aggregate portion of trust and restricted interests should be identified in the description of the permitted land.

**§ 166.302 How is a range unit created?**

We create a range unit after we consult with the Indian landowners of rangeland, by designating units of compatible size, availability, and location.

**§ 166.303 Can more than one parcel of Indian land be combined into one permit?**

Yes. A permit may include more than one parcel of Indian land. Permits may include tribal land, individually-owned Indian land, or government land, or any combination thereof.

**§ 166.304 Can there be more than one permit for each range unit?**

Yes. There can be more than one permit for each range unit.

**§ 166.305 When is grazing capacity determined?**

Before we grant, modify, or approve a permit, in consultation with the Indian landowners, we will establish the total grazing capacity for each range unit based on the summation of each parcel's productivity. We will also establish the season(s) of use on Indian lands.

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**§ 166.306 Can the BIA adjust the grazing capacity?**

Yes. In consultation with the Indian landowners or in the BIA's discretion based on good cause, we may adjust the grazing capacity using the best evaluation method(s) relevant to the ecological region.

**§ 166.307 Will the grazing capacity be increased if I graze adjacent trust or non-trust rangelands not covered by the permit?**

No. You will not receive an increase in grazing capacity in the permit if you graze trust or non-trust rangeland in common with the permitted land. Grazing capacity will be established only for Indian land covered by your permit.

**§ 166.308 Can the number of animals and/or season of use be modified on the permitted land if I graze adjacent trust or non-trust rangelands under an on-and-off grazing permit?**

Yes. The number of animals and/or season of use may be modified on permitted Indian land with an on-and-off grazing permit only when a conservation plan includes the use of adjacent trust or non-trust rangelands not covered by the permit and when that land is used in common with permitted land.

**§ 166.309 Who determines livestock class and livestock ownership requirements on permitted Indian land?**

(a) Tribes determine the class of livestock and livestock ownership requirements for livestock that may be grazed on range units composed entirely of tribal land or which include government land, subject to the grazing capacity prescribed by us under § 166.305 of this part.

(b) For permits on range units containing, in whole or part, individually-owned Indian land, we will adopt the tribal determination in paragraph (a) of this section.

**§ 166.310 What must a permittee do to protect livestock from exposure to disease?**

In accordance with applicable law, permittees must:

- (a) Vaccinate livestock;